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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,889	12/26/2001	Bertram Geck	2001 P 18373 US	8303

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Elsa Keller, Legal Assistant
SIEMENS CORPORATION
Intellectual Property Department
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EXAMINER

ROSE, KERRI M

ART UNIT	PAPER NUMBER
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2616

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/032,889	Applicant(s) GECK ET AL.	
	Examiner KERRI M. ROSE	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-11,13-16 and 20-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-11,13-16 and 20-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 3-11, 13-16, and 20-22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3, 6, 9, 15, 16, and 20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Staples et al. (US 2002/0118671).

4. In regards to claim 1, Staples discloses a virtual private communications network comprising: a communications server (figure 3A elements 110 and 120); a plurality of digital telephones connected to said communications server in a private telephone network (fig. 3A elements 142A-C; paragraph 35 indicates the office phones may be digital; the dashed line around the phones indicates they are part of the private network making up the office environment.); at least once communications trunk connecting said communications server to a public telephone network (fig. 3A both server 110 and server 120 are connected to the PSTN [with un-numbered lines]); a remotely connected device communicating with said communications server (fig. 3A.130); and a remote telephone (fig. 11.1110) connected to said public telephone network (fig. 11.115; connected through the remote device) and located in the

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vicinity of said remotely connected device (paragraph 182 indicates the remote phone and remote device are coupled together, which requires physical proximity), telephonic communications being provided to and from said remote telephone through said public telephone network in cooperation with said communications server and controlled by said remotely connected device (fig. 11 illustrates how the remote device can be used to facilitate communication between a remote telephone and the communications server using PSTN), said remotely connected device and said remote telephone being a virtual digital telephone acting as a locally connected digital telephone in said private telephone network with access to digital telephone features, wherein said remotely connected device has access to all communications server features (paragraph 42 discloses the goal of the invention is to provide a remote user with a virtual digital phone with access to digital phone features and all the features of the communications server.).

5. In regards to claim 3, Staples discloses a VPCN as claimed in claim 1 wherein said remotely connected device is a web enabled device connected over the Internet (fig. 11.1113 is a modem for connecting to Internet 1119), said VPCN further comprising: a web server connected to said communications server and the Internet (fig. 11.1118).

6. In regards to claim 6, Staples discloses a VPCN as in claim 1 wherein said communications server is a PBX server (paragraph 110) providing said digital telephone features, said features comprising: call connection processing (p. 8 and 9); call status (p. 23); partner identification (p.22); call duration (p.23); incoming call indication (p. 9 and 22); call hold/resume (p.19 and 20); consultation (p.13); redial (p.21); call forwarding (p.12); speed dialing (p.23); and a local address book (p.23).

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7. In regards to claim 9, Staples discloses a VPCN comprising: a PBX server (fig. 3A.110); a web server connected to said PBX server and the Internet (fig. 11.1118); a plurality of digital telephones connected to said PBX server in a private telephone network (fig. 3A elements 142A-C; paragraph 35 indicates the office phones may be digital; the dashed line around the phones indicates they are part of the private network making up the office environment.); at least once communications trunk connecting said PBX server to a public telephone network (fig. 3A both server 110 and server 120 are connected to the PSTN [with un-numbered lines]); a remotely connected device communicating with said PBX server (fig. 3A.130); and a remote telephone (fig. 11.1110) connected to said public telephone network (fig. 11.115; connected through the remote device) and located in the vicinity of said remotely connected device (paragraph 182 indicates the remote phone and remote device are coupled together, which requires physical proximity), telephonic communications being provided to and from said remote telephone through said public telephone network in cooperation with said PBX server and controlled by said remotely connected device (fig. 11 illustrates how the remote device can be used to facilitate communication between a remote telephone and the communications server using PSTN), said remotely connected device and said remote telephone being a virtual digital telephone acting as a locally connected digital telephone in said private telephone network with access to digital telephone features, wherein said remotely connected device has access to all PBX server features (paragraph 42 discloses the goal of the invention is to provide a remote user with a virtual digital phone with access to digital phone features and all the features of the communications server.).
8. Claim 15 is rejected upon the same grounds as claim 9.

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9. In regards to claim 16, Staples discloses a method as in claim 15 wherein the step of connecting the remotely located web enabled device comprise the steps of: calling an Internet service provider (Inherent; a dial-up modem, such as fig. 11.1113 must first call the service provider to establish a connection); negotiating a modem connection with said ISP (Inherent; once the modem has contacted the ISP it negotiates for access); and connecting to a web server connected to said communications server, calls to said remote telephone being controlled by said web enabled device in real time (fig. 12 and p. 183-186 disclose how to ensure real time operation.).

10. In regards to claim 20, Staples discloses a virtual private communications network comprising: a communications server in a private network (figure 3A elements 110 and 120); at least once communications trunk connecting said communications server to a public telephone network (fig. 3A both server 110 and server 120 are connected to the PSTN [with un-numbered lines]); a remotely connected device communicating with said communications server (fig. 3A.130); and a remote telephone (fig. 11.1110) connected to said public telephone network (fig. 11.115; connected through the remote device) and located in the vicinity of said remotely connected device (paragraph 182 indicates the remote phone and remote device are coupled together, which requires physical proximity), telephonic communications being provided to and from said remote telephone through said public telephone network in cooperation with said communications server and controlled by said remotely connected device (fig. 11 illustrates how the remote device can be used to facilitate communication between a remote telephone and the communications server using PSTN), said remotely connected device and said remote telephone being a virtual digital telephone acting as a locally connected digital telephone in said private

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telephone network with access to digital telephone features, wherein said remotely connected device has access to all communications server features (paragraph 42 discloses the goal of the invention is to provide a remote user with a virtual digital phone with access to digital phone features and all the features of the communications server.).

11. Claims 21 and 22 are rejected upon the same grounds as claim 6.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 4, 5, 7, 8, 10, 11, 13, 14, and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Staples et al. (US 2002/0118671) in view of Weinstein et al. (US 2001/0026609).

14. In regards to claim 4, Staples discloses a VPCN as in claim 3, wherein said web enabled device is a personal computer (fig. 11.112), but does not disclose selecting a corresponding remote telephone.

Weinstein discloses in paragraph 8 the system dials the caller and the callee according to selected numbers and then bridges the call. Additionally, paragraph 76 discloses selecting the remote telephone in a preference order set by the user.

It would have been obvious to one of ordinary skill in the art at the time of the invention to select a remote telephone, as disclosed by Weinstein, in the VPCN disclosed by Staples because doing so allows the user to specify the preferred telephone to use, based upon for

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example the time of day, as described in paragraph 76 of Weinstein. This helps ensure call completion regardless of the time or location of the user.

15. In regards to claim 5, Staples discloses wherein at least one PC includes a modem (fig. 11.1113) connecting to the Internet (fig. 11.1119), over a second public network, different than said public network (fig. 11.1118).

16. In regards to claim 7, Staples discloses a VPCN as in claim 1, but not wherein said remote telephone is a WAP device connected over the Internet.

Weinstein discloses a WAP device connected over the Internet in paragraph 8.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use a WAP device as the remote telephone, as taught by Weinstein, in the VPCN of Staples because devices such as cell phones and PDAs are widely used and easy to carry anywhere. Additionally, many households are only using cell phones, so even if a worker is at home a landline phone may not be available.

17. In regards to claim 8, Staples and Weinstein disclose wherein said WAP is a PDA (Weinstein paragraph 8).

18. Claims 10, 13, and 14 are rejected upon the same grounds as claims 4, 7, and 8 respectively.

19. In regards to claim 11, Staples discloses wherein at least one PC includes a modem (fig. 11.1113) connecting to the Internet (fig. 11.1119), said at least one PC being connected to the web server (fig. 11.1118) over the Internet.

20. In regards to claim 23, Staples discloses a VPCN as in claim 1 wherein said remotely connected device is an analog telephone connected to a land line to said public telephone

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network (fig. 11.1110). Staples does not disclose wherein said remotely connected device is one of a plurality of devices comprising a cell phone and a WAP.

Weinstein discloses choosing between a plurality of devices in paragraphs 8 and 76.

Weinstein discloses a cell phone and WAP device as one of the plurality of choices for remotely connected device in paragraph 8.

It would have been obvious to one of ordinary skill in the art at the time of the invention to choose between different devices, as taught by Weinstein, in the VPCN taught by Staples because doing so allows the user to specify the preferred telephone to use, based upon for example the time of day, as described in paragraph 76 of Weinstein. This helps ensure call completion regardless of the time or location of the user.

21. Claims 24 and 25 are rejected upon the same grounds as claim 23.

Conclusion

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KERRI M. ROSE whose telephone number is (571) 272-0542.

The examiner can normally be reached on Monday through Thursday, 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung MOE can be reached on (571) 272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aung S. Moe/
Supervisory Patent Examiner, Art Unit 2616

/Kerri M Rose/
Examiner, Art Unit 2616